

United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 6.3.1 (Chicago)
CIVIL DOCKET FOR CASE #: 1:19-cv-00729

Burckhartte v. GM Corporation et al
Assigned to: Honorable John Robert Blakey
Demand: \$9,999,000
Cause: 28:1332 Diversity–Personal Injury

Date Filed: 02/05/2019
Date Terminated: 09/11/2019
Jury Demand: Both
Nature of Suit: 360 P.I.: Other
Jurisdiction: Diversity

Plaintiff

Brian Burckhartte

represented by **Mitchell Benjamin Friedman**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

General Mortors Corporation
TERMINATED: 06/26/2019

Defendant

General Motors, LLC

represented by **Christina C Brunty**
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Defendant

General Motors LLC

represented by **Brian Thomas Smith**
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Christina C Brunty

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/05/2019	<u>I 1</u>	COMPLAINT filed by Brian Burckhartte; Jury Demand. Filing fee \$ 400, receipt number 0752-15448337.(Friedman, Mitchell) (Entered: 02/05/2019)
02/05/2019	<u>I 2</u>	CIVIL Cover Sheet (Friedman, Mitchell) (Entered: 02/05/2019)
02/05/2019	<u>I 3</u>	ATTORNEY Appearance for Plaintiff Brian Burckhartte by Mitchell Benjamin Friedman (Friedman, Mitchell) (Entered: 02/05/2019)
02/05/2019	<u>I</u>	CASE ASSIGNED to the Honorable John Robert Blakey. Designated as Magistrate Judge the Honorable Sidney I. Schenkier. Case assignment: Random assignment. (jjr,) (Entered: 02/05/2019)
02/06/2019	<u>I</u>	SUMMONS Issued as to Defendant General Mortors Corporation (jjr,) (Entered: 02/06/2019)
02/06/2019	<u>I 4</u>	NOTICE TO THE PARTIES – The Court is participating in the Mandatory Initial Discovery Pilot (MIDP). The key features and deadlines are set forth in this Notice which includes a link to the (MIDP) Standing Order and a Checklist for use by the parties. In cases subject to the pilot, all parties must respond to the mandatory initial discovery requests set forth in the Standing Order before initiating any further discovery in this case. Please note: The discovery obligations in the Standing Order supersede the disclosures required by Rule 26(a)(1). Any party seeking affirmative relief must serve a copy of the following documents (Notice of Mandatory Initial Discovery and the Standing Order) on each new party when the Complaint, Counterclaim, Crossclaim, or Third-Party Complaint is served. (smm,) (Entered: 02/06/2019)
02/08/2019	<u>I 5</u>	MINUTE entry before the Honorable John Robert Blakey: This case has been assigned to the calendar of the Honorable John Robert Blakey. Pursuant to General Order 17-0005, this case falls within the Mandatory Initial Discovery Pilot (MIDP) Project, and the "Standing Order in MIDP Cases" now governs the conduct of the litigants in this matter. Under the MIDP, this Court shall enforce the MIDP Standing Order via the Court's inherent authority (including the contempt of court power) and the Federal Rules of Civil Procedure. Consequently, both the parties and their attorneys are hereby ordered to review and fully comply with the MIDP Standing Order, which is available on the Court's homepage: http://www.ilnd.uscourts.gov/_assets/_documents/MIDP Standing Order.pdf . The parties are further advised that in light of the MIDP's intended goal of reducing the traditional cost and delay of federal civil litigation, this Court will not grant routine motions for extensions of time to meet the deadlines imposed by the MIDP Standing Order (even agreed motions made jointly by the parties). During the course of the litigation, the attorneys must also appear at all hearing dates set by the Court or noticed by the parties. If an attorney has a conflict with a set court date, the attorney must notify Judge Blakey's Courtroom Deputy, Gloria Lewis, at (312)818-6699. If appropriate, the Court will then reset the matter. Advising opposing counsel of a scheduling conflict is not a substitute for communicating directly with the Court. The litigants are further ordered to review and fully comply with all of this Court's own standing orders, which are available on Judge Blakey's information page on the Court's official website: http://www.ilnd.uscourts.gov/ . An initial status conference is hereby set for 3/21/2019 at 9:45 a.m. in Courtroom 1203. At the status

conference, the Court will discuss the MIDP and ask the parties questions to verify that they have reviewed and complied with the MIDP Standing Order. Without exception, the parties must also file a status report no later than 3/14/2019, using the model template set forth in this Courts standing order regarding Initial (or Reassignment) Status Conferences. Failure by any party to file the status report by the requisite deadline (either jointly or, if necessary, individually with an explanation as to why a joint report could not be filed) may result in a summary dismissal of the case for failure to prosecute, or an entry of default against any served defendant(s) failing to comply with this order. Mailed notice (gel,) (Entered: 02/08/2019)

02/19/2019	<u>I 6</u>	MOTION by Plaintiff Brian Burckhartte for leave to file <i>First Amended Complaint at Law</i> (Friedman, Mitchell) (Entered: 02/19/2019)
03/14/2019	<u>I 7</u>	STATUS Report by Brian Burckhartte (Friedman, Mitchell) (Entered: 03/14/2019)
03/19/2019	<u>I 8</u>	MINUTE entry before the Honorable John Robert Blakey: Plaintiff's motion for leave to file a first amended complaint <u>6</u> is granted. Plaintiff shall file any amended complaint by 3/29/19. Plaintiff is advised that this Court's Local Rules and standing orders require all motions to be noticed for presentment and not just filed on the docket. In the future, the Court will strike any motion that fails to comply with the Court's rules and orders. The initial status conference previously set for 3/21/19 is stricken and reset for 5/2/19 at 9:45 a.m. in Courtroom 1203. The parties shall file an initial status report by 4/22/19. Failure to file the status report by this date may result in a summary dismissal of the case for failure to prosecute or an entry of default against any served defendant(s) for failing to comply with this order. Mailed notice (gel,) (Entered: 03/19/2019)
03/27/2019	<u>I 9</u>	FIRST AMENDED complaint by Brian Burckhartte against General Motors, LLC (Friedman, Mitchell) (Entered: 03/27/2019)
03/27/2019	<u>I</u>	SUMMONS Issued as to Defendant General Motors, LLC (mc,) (Entered: 03/27/2019)
04/29/2019	<u>I 10</u>	MINUTE entry before the Honorable John Robert Blakey: This case is hereby dismissed for want of prosecution based upon the parties' failure to file the status report required by the Court's 3/19/19 order <u>8</u> . For questions concerning the dismissal of this case or the Mandatory Initial Discovery Pilot Project, the parties should immediately call Judge Blakey's chambers at (312) 435-6058. The initial status conference previously set for 5/2/19 is stricken. Civil case terminated. Mailed notice (gel,) (Entered: 04/29/2019)
04/30/2019	<u>I 11</u>	STATUS Report by Brian Burckhartte (Friedman, Mitchell) (Entered: 04/30/2019)
05/01/2019	<u>I 12</u>	MINUTE entry before the Honorable John Robert Blakey: Plaintiff has now filed the required status report <u>11</u> , and the case is hereby reinstated. The case is set for an initial status conference on 5/29/19 at 9:45 a.m. in Courtroom 1203. The parties shall file a joint initial status report by 5/22/19. Additionally, by 5/10/19, Plaintiff should file a supplemental brief not to exceed 5 pages stating the citizenship of each party and identifying the name and domicile(s) of each and every member of General Motors, LLC. See <i>Belleville Catering Co. v. Champaign Market Place, LLC</i> , 350 F.3d 691, 692-93 (7th Cir. 2003) (explaining that, for purposes of diversity jurisdiction, partnerships and limited liability companies are citizens of every state of which any member is a citizen). Mailed notice (gel,) (Entered: 05/01/2019)
05/03/2019	<u>I 13</u>	SUMMONS Returned Executed by Brian Burckhartte as to All Defendants. (Friedman, Mitchell) (Entered: 05/03/2019)
05/09/2019	<u>I 14</u>	SUPPLEMENT to case reopened,,,, set/clear flags,,,, set/reset hearings,,, <u>12</u> (Friedman, Mitchell) (Entered: 05/09/2019)
05/09/2019	<u>I 15</u>	NOTICE by Brian Burckhartte re supplement <u>14</u> (Friedman, Mitchell) (Entered: 05/09/2019)
05/14/2019	<u>I 16</u>	

		ATTORNEY Appearance for Defendant General Motors, LLC by Christina C Brunty (Brunty, Christina) (Entered: 05/14/2019)
05/14/2019	<u>17</u>	ATTORNEY Appearance for Defendant General Motors LLC by Christina C Brunty <i>Amended Attorney Appearance</i> (Brunty, Christina) (Entered: 05/14/2019)
05/15/2019	<u>18</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 150, receipt number 0752-15827386. (Black, John) (PDF not legible - blank - Docket text modified by Clerk's Office) Modified on 5/15/2019 (bg,). Modified on 5/15/2019 (bg,). (Entered: 05/15/2019)
05/15/2019	<u>19</u>	MOTION for Leave to Appear Pro Hac Vice, receipt number 0752-15827386 (paid in entry # <u>18</u> /blank doc by General Motors LLC <i>Corrected</i> (Black, John) (Docket text modified by Clerk's Office) Modified on 5/15/2019 (bg,). (Entered: 05/15/2019)
05/17/2019	<u>20</u>	ATTORNEY Appearance for Defendant General Motors LLC by Brian Thomas Smith (Smith, Brian) (Entered: 05/17/2019)
05/21/2019	<u>21</u>	MOTION by Defendant General Motors LLC to dismiss <i>or, in the alternative</i> , MOTION by Defendant General Motors LLC to change venue (Attachments: # <u>1</u> Exhibit Ex. A)(Brunty, Christina) (Entered: 05/21/2019)
05/21/2019	<u>22</u>	NOTICE of Motion by Christina C Brunty for presentment of motion to dismiss, motion to change venue <u>21</u> before Honorable John Robert Blakey on 5/30/2019 at 09:45 AM. (Brunty, Christina) (Entered: 05/21/2019)
05/22/2019	<u>23</u>	STATUS Report <i>JOINT</i> by General Motors LLC (Brunty, Christina) (Entered: 05/22/2019)
05/22/2019	<u>24</u>	MINUTE entry before the Honorable John Robert Blakey: John Black's motion for leave to appear pro hac vice <u>19</u> is granted. The Court is in receipt of Defendant's motion to dismiss <u>21</u> . Plaintiff is advised to review the Courts standing order on Motions to Dismiss, which is available on the Courts homepage at www.ilnd.uscourts.gov. The Court's Order requires Plaintiff to make an election as to whether he will amend his complaint or stand on the current complaint and proceed with briefing on the motion to dismiss. Defendant's motion to dismiss is reset for presentment on 5/29/2019 at 9:45 a.m. in Courtroom. Plaintiff shall be prepared to make an election at the next hearing. Motion hearing set for 5/30/2019, is stricken. Mailed notice (gel,) (Entered: 05/22/2019)
05/29/2019	<u>25</u>	MINUTE entry before the Honorable John Robert Blakey: Status hearing held on 5/29/2019. Oral motion for leave to file amended complaint is granted and shall be filed on or before 6/19/2019. Defendant's motion to dismiss <u>21</u> is denied without prejudice. Oral motion for leave to file corrected joint report is granted. Status hearing set for 6/26/2019 at 9:45 a.m. in Courtroom 1203. Discovery stayed by agreement until 6/26/2019. Mailed notice (gel,) (Entered: 05/29/2019)
06/04/2019	<u>26</u>	STATUS Report <i>JOINT</i> by General Motors LLC (Black, John) (Entered: 06/04/2019)
06/19/2019	<u>27</u>	<i>Second</i> AMENDED complaint by Brian Burckhartte against All Defendants (Attachments: # <u>1</u> Notice of Filing)(Friedman, Mitchell) (Entered: 06/19/2019)
06/19/2019	<u>28</u>	STIPULATION of Dismissal of <i>Defendant General Motors Corporation</i> (Black, John) (Entered: 06/19/2019)
06/26/2019	<u>29</u>	MINUTE entry before the Honorable John Robert Blakey: Based upon the filing of the stipulated dismissal <u>28</u> , Defendant General Motors Corporation is dismissed with prejudice. Mailed notice (gel,) (Entered: 06/26/2019)
06/26/2019	<u>30</u>	MINUTE entry before the Honorable John Robert Blakey: Status hearing held on 6/26/2019. Any renewed motion to dismiss shall be filed on or before 7/10/2019; response shall be filed on or before 7/24/2019; reply shall be filed on or before 8/7/2019; motion hearing set for 9/11/2019 at 9:45 a.m. in Courtroom 1203. Oral agreed motion to stay discovery pending the next court date is granted.

Mailed notice (gel,) (Entered: 08/26/2019)

07/09/2019	<u>31</u>	MOTION by Defendants General Motors LLC, General Motors, LLC to dismiss for lack of jurisdiction <i>or in the Alternative to Transfer Venue</i> (Brunty, Christina) (Entered: 07/09/2019)
07/09/2019	<u>32</u>	NOTICE of Motion by Christina C Brunty for presentment of motion to dismiss/lack of jurisdiction <u>31</u> before Honorable John Robert Blakey on 9/11/2019 at 09:45 AM. (Brunty, Christina) (Entered: 07/09/2019)
07/24/2019	<u>33</u>	RESPONSE by Brian Burckharttein Opposition to MOTION by Defendants General Motors LLC, General Motors, LLC to dismiss for lack of jurisdiction <i>or in the Alternative to Transfer Venue</i> <u>31</u> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Friedman, Mitchell) (Entered: 07/24/2019)
08/07/2019	<u>34</u>	REPLY by Defendant General Motors LLC to motion to dismiss/lack of jurisdiction <u>31</u> <i>DEFENDANT GENERAL MOTORS LLC'S REPLY IN SUPPORT OF MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO TRANSFER VENUE</i> (Black, John) (Entered: 08/07/2019)
09/11/2019	<u>35</u>	MINUTE entry before the Honorable John Robert Blakey: Plaintiff's motion to dismiss or to transfer <u>31</u> is granted in part and denied in part. Defendant argues that this Court lacks personal jurisdiction over it; that is the case. Defendant is a Delaware limited liability company that maintains its principal place of business in Michigan. Thus, in light of the record, this Court cannot exercise general personal jurisdiction over Defendant. Daimler AG v. Bauman, 571 U.S. 117, 139 (2014). Moreover, as stated in open court, Plaintiff concedes that this Court lacks specific jurisdiction over Defendant, as his alleged injury occurred in Roanoke, Indiana. See also Tamburo v. Dworkin, 601 F.3d 693, 702 (7th Cir. 2010). Notwithstanding, this Court need not have personal jurisdiction to transfer the case under 28 U.S.C. §1406(a), which provides: "The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." E.g., Cot v. Wadel, 796 F.2d 981, 98485 (7th Cir. 1986). Upon review, this Court finds that the interests of justice favor transfer of this case to the Northern District of Indiana, where Plaintiff's alleged injury occurred. The Clerk is directed to transfer this case forthwith to the United States District Court for the Northern District of Indiana. Civil case terminated. Mailed notice (gel,) (Entered: 09/11/2019)
09/12/2019	<u>36</u>	TRANSFERRED to the USDC Northern District of Indiana the electronic record. (mma,) (Entered: 09/12/2019)